

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-CR-20394
HON. SEAN F. COX

v.

D-6 OLIVER SCHMIDT,

Defendant.

ORDER OF JUDICIAL REMOVAL

Upon the application of the United States of America, by John Neal, Assistant United States Attorney, Eastern District of Michigan; upon the Joint Motion for a Judicial Order of Removal; upon the statement and consent of Defendant Oliver Schmidt and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a citizen of Germany.
3. The defendant was admitted to the United States on 90-day tourist visa at Miami, Florida on or about December 24, 2016.
4. The defendant was convicted in the United States District Court, Eastern District of Michigan of Counts 1 and 2 of the Fourth

2:16-cr-20394-SFC-APP Doc # 119 Filed 12/18/17 Pg 2 of 3 Pg ID 2861
Superseding Information, charging Conspiracy to defraud the United States, to commit wire fraud and to violate the Clean Air Act in violation of Title 18, United States Code, Section 371; and Violation of the Clean Air Act, 42 U.S.C. Section 7413(c)(2)(A).

5. The maximum term of imprisonment for a violation of 18 U.S.C. § 371 is 5 years and the maximum term of imprisonment for a violation of 42 U.S.C. § 7413(c)(2)(A) is 2 years. Given that the defendant has pleaded guilty pursuant to a plea agreement to count 1, a violation of Title 18, United States Code, Section(s) 371, and count 2, a violation of Title 42, United States Code, Section 7413, the maximum sentence faced by this defendant is 7 years' imprisonment.

6. The defendant is subject to removal from the United States pursuant to: Immigration and Nationality Act (INA) Section 237(a)(2)(A)(iii) to wit: INA § 101(a)(43)(M) and (U), as an alien who has been convicted of an aggravated felony.

7. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the INA, 8 U.S.C. § 1228(c), that the defendant is ordered removed from the United

2:16-cr-20394-SFC-APP Doc # 119 Filed 12/18/17 Pg 3 of 3 Pg ID 2862
States to Germany upon his sentencing, which removal is to be effected upon
completion of his term of incarceration.

Dated: December 18, 2017

s/Sean F. Cox
Sean F. Cox
U. S. District Court Judge

I hereby certify that the foregoing document was served on counsel of record via
electronic means.

s/Jennifer McCoy
Case Manager